

Judge: Timothy W. Dore
Chapter: 13
Hearing Date: October 16, 2019
Hearing Time: 9:30 am
Hearing Location: U.S. Bankruptcy Court
700 Stewart St #8106
Seattle, WA 98101

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

In Re:

DOUGLAS ANDES RICE, JR. AND
MARISA ANN RICE,

Debtors.

IN CHAPTER 13 PROCEEDING
NO. 19-12993

TRUSTEE'S OBJECTION TO CONFIRMATION

The Trustee objects to confirmation of the debtors' plan, filed September 24, 2019 (ECF No. 23) as follows:

The debtors filed this case August 13, 2019 (ECF No. 1). (1) The plan provides in Section IV.C.3.a. for payments for two vehicles: a 2009 Ford Flex and a 2006 Cadillac STS. The plan contains extra language regarding the mileage and basis for valuing these two vehicles. The plan should be amended to remove these findings of fact; the plan should merely describe the year, make, and model of these vehicles. (2) The plan characterizes the 2009 Ford Flex as 910 collateral, however based on the claim filed by America's Credit Union, the holder of the claim secured against this vehicle, it appears that this is a non-910 vehicle and that only a portion of America's Credit Union's claim is secured (ECF Claim No. 11). The debtor needs to amend the plan to accurately characterize this claim. (3) Based on the nature of the changes from the original plan that was noticed to creditors (ECF No. 2) to the most recent amended plan (ECF No. 23), the debtors' further amended plan will need to be noted for hearing. (4) The amended plan provides in Section X.B.: "Months 1-36 all unsecured debts will be paid pro rata. Month 37+ shall be paid at \$10.00 per month towards any student loan debt until all other unsecured debts are paid in full at which time the remaining student loan debt will survive the Plan and the case may close." The debtors are below-median with a \$0 liquidation value in Section IX. Section IV.E. of their plan provides that allowed nonpriority unsecured claims will receive at least \$0. There is no provision elsewhere within the plan providing for payment to general unsecured

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claims. Section X.B. references full payment to non-student-loan general unsecured claims, but does not expressly state that all allowed general unsecured claims except for student loans will receive 100% payment. Thus it is not completely clear what treatment the debtors intend for non-student loan unsecured claims, and the Trustee is not able to administer the plan as drafted. (5) If the debtors intend to pay non-student-loan unsecured claims in full, then, based on filed and scheduled claims, they will need to increase the plan payments as the plan is underfunded and not feasible. (6) The debtors disclosed "Checking and/or savings - ACU WSECU US Bank" as assets on Schedule A/B (ECF No. 1). It is not clear from this description how many bank accounts the debtors have at each bank. The debtors should amend Schedule A/B to disclose each bank account for clarity and accuracy. (7) The debtors provided the Trustee with a transaction history for a US Bank checking account ending 1207 which shows a balance of \$423.97 as of the petition date, and a statement for an ACU savings account ending 0932 showing a \$25.00 balance as of the filing date. The Trustee has not received any statements for any WSECU bank accounts. The debtors need to provide the Trustee with statements for the time period that includes the petition date for all of their bank accounts. Local Rules W.D. Wash. Bankr. 4002-1(a), Fed. R. Bankr. P. 4002(b)(2)(B). (8) The Trustee reserves the right to assert additional bases for this pleading.

THE TRUSTEE REQUESTS:

That the Court enter an order denying confirmation of the debtors' plan, and setting deadlines for filing and noting a feasible amended plan.

Dated: October 09, 2019

/s/ Jason Wilson-Aguilar
Jason Wilson-Aguilar, WSBA #33582
Chapter 13 Trustee